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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,148	08/25/2003	Bob Cheyenne Grimes	437-101	1307
7590 08/22/2008 Elliott N. Kramsky, Esq. Suite 400 5850 Canoga Avenue Woodland Hills, CA 91367				
EXAMINER HOEY, ALISSA L				
ART UNIT		PAPER NUMBER		
3765				
MAIL DATE		DELIVERY MODE		
08/22/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/647,148

Applicant(s)

GRIMES, BOBI CHEYENNE

Examiner

Alissa L. Hoey

Art Unit

3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 6-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/16/08 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Knapp (US 5,204,995).

Knapp teaches the following:

1. (CURRENTLY AMENDED) A garment comprising, in combination:
 - a) an adjointed pair of pant legs (figure 1); b) each of said pant legs having an inner surface (14) and an outer surface (16) and including an outer seam and an inner (traditional outer leg seam and inner leg seam: see figure 1); and
 - c) at least one of said pant legs having an elongated aperture (56) located adjacent said outer seam of a pant leg (aperture (56) is located adjacent to outer pant seam).

2. (ORIGINAL) A garment as defined in Claim 1 additionally including:
a) at least one ornament (60); b) said ornament comprising an ornament face and a back button (figures 7 and 8), said ornament face being threadedly joined in spaced relationship to said back button (figures 7 and 8); and
c) said at least one ornament (60) being received at an elongated aperture (56) so that said ornament face lies adjacent the outer surface of a pant leg and said back button lies adjacent the inner surface of said pant leg (see figure 1: with the inner surface shown (reversible pants)).

3. (CURRENTLY AMENDED) A garment as defined in Claim 2 further characterized in that:
a) at least one of said pant legs has a plurality of apertures (see figure 1, identifier 56); and
b) said plurality of apertures is arranged vertically adjacent the outer seam ~~perimeter~~ of said leg (see figure 1).

4. (ORIGINAL) A garment as defined in Claim 3 including a plurality of ornaments (see figure 1, identifier 60).

5. (ORIGINAL) A garment as defined in Claim 4 wherein at least one of said ornaments includes an ornament face comprising a brass rivet (figures 7 and 8).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-2 are rejected under 35 U.S.C. 102(e) as being anticipated by Silver (US 6,968,573).

Silver teaches the following:

1. (CURRENTLY AMENDED) A garment comprising, in combination:

a) an adjointed pair of pant legs (figure 2); b) each of said pant legs having an inner surface and an outer surface and including an outer seam and an inner (traditional interior and exterior of pant leg and seam connecting portions 24 to 28: column 2, lines 22-26); and

c) at least one of said pant legs having an elongated aperture located adjacent said outer seam of a pant leg (female snap (52) can be in the form of a female buttonhole: see column 3, lines 43-46, which would be elongated apertures).

2. (ORIGINAL) A garment as defined in Claim 1 additionally including:

a) at least one ornament (46); b) said ornament comprising an ornament face (46, 37) and a back button (50), said ornament face being threadedly joined in spaced relationship to said back button (see figure 2, identifier 50: column 3, lines 43-46); and

c) said at least one ornament (46) being received at an elongated aperture so that said ornament face lies adjacent the outer surface of a pant leg and said back button lies adjacent the inner surface of said pant leg (figures 1 and 2).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alissa L. Hoey whose telephone number is (571) 272-4985. The examiner can normally be reached on M-F (8:00-5:30)Second Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Welch can be reached on (571) 272-4996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alissa L. Hoey/
Primary Examiner, Art Unit 3765